

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

GROSSMONT UNION HIGH SCHOOL
DISTRICT.

OAH CASE NO. 2014070714

ORDER GRANTING IN PART
REQUEST FOR CONTINUANCE AND
SETTING PREHEARING
CONFERENCE AND HEARING

On October 14, 2014, the parties filed a joint request with the Office of Administrative Hearings to continue for the second time the dates in this matter. On October 14, 2014, OAH denied the parties' request for hearing on March 3 – 6, 2015, because the parties did not provide any reason for needing the second request or why the hearing dates requested were more than 90 days out.

On October 16, 2014, the parties submitted another joint continuance request, with the same requested dates for hearing. The parties stated that the second request was needed because Grossmont Union High School District was in the process of assessing Student.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted in Part. All dates are vacated. While the parties established good cause to continue the existing hearing dates of November 17 – 20, 2014, for the completion of the District assessments, they have not established good cause to this matter until March 2015. Therefore, this matter will be set as follows:

Prehearing Conference:	January 12, 2015, at 10:00 AM
Due Process Hearing:	January 20, 2015, at 1:30 PM, January 21 and 22, 2015, at 9:00 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: October 16, 2014

/s/
PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings